

Article 14. Landfills**§66265.300. Applicability.**

The regulations in this article apply to owners and operators of facilities that dispose of hazardous waste in landfills, except as section 66265.1 provides otherwise. A waste pile used as a disposal facility is a landfill and is governed by this article.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; 40 CFR Section 265.300.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.301. Design and Operating Requirements.

(a) The owner or operator of each new landfill unit on which construction commences after January 29, 1992, each lateral expansion of a landfill unit on which construction commences after July 29, 1992, and each replacement of an existing landfill unit that is to commence reuse after July 29, 1992 shall install two or more liners and a leachate collection and removal system above and between such liners, and operate the leachate collection and removal systems, in accordance with section 66264.301(d) or (e), of this chapter. The requirements of this subsection shall not apply to landfill units receiving only non-RCRA hazardous waste until February 18, 1996. "Construction commences" is as defined in section 66260.10 of this chapter under "existing facility".

(b) The owner or operator of each unit referred to in subsection (a) of this section shall notify the Department at least sixty days prior to receiving waste. The owner or operator of each facility submitting notice shall file a Part B application within six months of the receipt of such notice.

(c) The owner or operator of any replacement landfill unit is exempt from subsection (a) of this section if:

(1) The existing unit was constructed in compliance with the design standards of 42 USC section 6924(o)(1)(A)(i) and 42 USC section 6924(o)(5); and

(2) There is evidence to believe that the liner is functioning as designed.

(d) The double liner requirement set forth in subsection (a) of this section may be waived by the Department for any monofill, if:

(1) The monofill contains only hazardous wastes from foundry furnace emission controls or metal casting molding sand, and such wastes do not contain constituents which would render the wastes hazardous for reasons other than exceeding the soluble threshold limit concentration as described in section 66261.24(a)(2) for non-RCRA hazardous wastes or the characteristic of toxicity as set forth in section 66261.24(a)(1) for wastes with hazardous wastes numbers D004 through D017 for RCRA hazardous wastes; and

(2)(A)1. the monofill has at least one liner for which there is no evidence that such liner is leaking;

2. the monofill is located more than one-quarter mile from an underground source of drinking water as defined in section 66260.10; and

3. the monofill is in compliance with generally applicable groundwater monitoring requirements for facilities with hazardous waste facility permits; or

(B) the owner or operator demonstrates to the satisfaction of the Department that the monofill is located, designed and operated so as to assure that there will be no migration of any hazardous constituent into ground water or surface water at any future time.

(e) In the case of any unit in which the liner and leachate collection system has been installed pursuant to the requirements of subsection (a) of this section, and in good faith compliance with subsection (a) of this section no liner or leachate collection system which is different from that which was so installed pursuant to subsection (a) of this section will be required for such unit by the Department when issuing the first permit to such facility, except that the Department will not be precluded from requiring installation of a new liner when the Department has reason to believe that any liner installed pursuant to the requirements of subsection (a) of this section is leaking.

(f) The owner or operator shall design, construct, operate, and maintain a run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from at least a 25-year storm.

(g) The owner or operator shall design, construct, operate and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

(h) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems shall be emptied or otherwise managed expeditiously after storms to maintain design capacity of the system.

(i) The owner or operator of a landfill containing hazardous waste which is subject to dispersal by wind shall cover or otherwise manage the landfill so that wind dispersal of the hazardous waste is controlled.

(j) As required by section 66265.13, the waste analysis plan must include analyses to comply with sections 66265.312, 66265.313 and 6265.314. As required by section 66265.73, the owner or operator shall place the results of these analyses in the operating record of the facility.

NOTE: Authority cited: Sections 25150, 25159 and 58012, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; and 40 CFR Section 265.301.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

2. Amendment of section heading, subsections (a) and (c), new subsections (c)(1)-(2) and (f)-(j) and amendment of Note filed 7-19-95; operative 8-18-95 (Register 95, No. 29).

3. Change without regulatory effect amending subsections (a) and (c)(1) filed 6-30-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 27).
4. Change without regulatory effect amending subsection (a) filed 10-21-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 43).
5. Amendment of subsections (d) and (d)(1) and amendment of NOTE filed 10-13-98; operative 11-12-98 (Register 98, No. 42).

§66265.302. Action Leakage Rate.

(a) The owner or operator of landfill units subject to section 66265.301(a) shall submit a proposed action leakage rate to the Department when submitting the notice required under section 66265.301(b). The Department will establish an action leakage rate, either as proposed by the owner or operator or modified using the criteria in this section.

(b) The Department shall approve an action leakage rate for landfill units subject to section 66265.301(a). The action leakage rate is the maximum design flow rate that the leak detection system (LDS) can remove without the fluid pressure head on the bottom liner exceeding 1 foot (30.5 cm) at any given portion of the liner. The action leakage rate shall include an adequate safety margin to allow for uncertainties in the design (e.g., slope, hydraulic conductivity, thickness of drainage material), construction, operation, and location of the LDS, waste and leachate characteristics, likelihood and amounts of other sources of liquids in the LDS, and proposed response actions (e.g., the action leakage rate shall consider decreases in the flow capacity of the system over time resulting from siltation and clogging, rib layover and creep of synthetic components of the system, overburden pressures, etc.).

(c) To determine if the action leakage rate has been exceeded, the owner or operator shall convert the weekly or monthly flow rate from the monitoring data obtained under section 66265.304 to an average daily flow rate (gallons per acre per day) for each sump. Unless the Department approves a different calculation, the average daily flow rate for each sump shall be calculated weekly during the active life and closure period, and monthly during the post-closure care period when monthly monitoring is required under section 66265.304(b).

NOTE: Authority cited: Sections 25150 and 25159, Health and Safety Code; and Governor's Reorganization Plan Number 1 of 1991. Reference: Sections 25159 and 25159.5, Health and Safety Code; and 40 CFR Section 265.302.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).
2. Amendment of section heading and subsections (a)-(c), repealer of subsections (d)-(e) and amendment of Note filed 7-19-95; operative 8-18-95 (Register 95, No. 29).
3. Change without regulatory effect amending subsection (b) filed 6-30-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 27).

§66265.303. Response Actions.

(a) The owner or operator of landfill units subject to section 66265.301(a) shall submit a response action plan to the Department when submitting the proposed action leakage rate under section 66265.302. The response action plan shall set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan shall describe the actions specified in subsection (b) of this section.

(b) If the flow rate into the leak detection system exceeds the action leakage rate for any sump, the owner or operator shall:

- (1) Notify the Department in writing of the exceedence within 7 days of the determination;
- (2) Submit a preliminary written assessment to the Department within 14 days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned;
- (3) Determine to the extent practicable the location, size, and cause of any leak;
- (4) Determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the unit for inspection, repairs, or controls, and whether or not the unit should be closed;
- (5) Determine any other short-term and longer-term actions to be taken to mitigate or stop any leaks; and
- (6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Department the results of the analyses specified in subsections (b)(3), (4) and (5) of this section, the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator shall submit to the Department a report summarizing the results of any remedial actions taken and actions planned.

(c) To make the leak and/or remediation determinations in subsections (b)(3), (4) and (5) of this section, the owner or operator shall:

- (1)(A) Assess the source of liquids and amounts of liquids by source,
- (B) Conduct a fingerprint, hazardous constituent, or other analyses of the liquids in the leak detection system to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid; and
- (C) Assess the seriousness of any leaks in terms of potential for escaping into the environment; or
- (2) Document why such assessments are not needed.

NOTE: Authority cited: Sections 25150 and 25159, Health and Safety Code; and Governor's Reorganization Plan Number 1 of 1991. Reference: Sections 25159 and 25159.5, Health and Safety Code; and 40 CFR Section 265.303.

HISTORY

1. New section filed 7-19-95; operative 8-18-95 (Register 95, No. 29).

§66265.304. Monitoring and Inspection.

(a) An owner or operator required to have a leak detection system under section 66265.301(a) shall record the amount of liquids removed from each leak detection system sump at least once each week during the active life and closure period.

(b) After the final cover is installed, the amount of liquids removed from each leak detection system sump shall be recorded at least monthly. If the liquid level in the sump stays below the pump operating level for two consecutive months, the amount of liquids in the sumps shall be recorded at least quarterly. If the liquid level in the sump stays below the pump operating level for two consecutive quarters, the amount of liquids in the sumps shall be recorded at least semi-annually. If at any time during the post-closure care period the pump operating level is exceeded at units on quarterly or semi-annual recording schedules, the owner or operator shall return to monthly recording of amounts of liquids removed from each sump until the liquid level again stays below the pump operating level for two consecutive months.

(c) "Pump operating level" is a liquid level proposed by the owner or operator and approved by the Department based on pump activation level, sump dimensions, and level that avoids backup into the drainage layer and minimizes head in the sump. The timing for submission and approval of the proposed "pump operating level" will be in accordance with Section 66265.302(a).

NOTE: Authority cited: Sections 25150 and 25159, Health and Safety Code; and Governor's Reorganization Plan Number 1 of 1991. Reference: Sections 25159 and 25159.5, Health and Safety Code; and 40 CFR Section 265.304.

HISTORY

1. New section filed 7-19-95; operative 8-18-95 (Register 95, No. 29).

§66265.309. Surveying and Recordkeeping.

The owner or operator of a landfill shall maintain the following items in the operating record required in section 66265.73:

(a) on a map, the exact location and dimensions, including depth, of each cell with respect to permanently surveyed benchmarks with horizontal and vertical controls; and

(b) the contents of each cell and the approximate location of each hazardous waste type within each cell.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; 40 CFR Section 265.309.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.310. Closure and Postclosure Care.

(a) At final closure of the landfill or upon closure of any cell, the owner or operator shall cover the landfill or cell with a final cover designed and constructed to:

- (1) prevent the downward entry of water into the closed landfill throughout a period of at least 100 years;
- (2) function with minimum maintenance;
- (3) promote drainage and minimize erosion or abrasion of the cover;
- (4) accommodate settling and subsidence so that the cover's integrity is maintained;
- (5) have a permeability less than the permeability of any bottom liner system or natural subsoils present;
- (6) accommodate lateral and vertical shear forces generated by the maximum credible earthquake so that the integrity of the cover is maintained;

(7) preclude ponding of rainfall, surface run-off or run-on over the closed area;

(8) conform to the provisions of subsections (e) through (r) of section 66264.228, except that the Department shall grant a variance from any requirement of subsections (e) through (r) which the owner or operator demonstrates to the satisfaction of the Department is not necessary to protect public health, water quality or other environmental quality.

(b) After final closure, the owner or operator shall comply with all postclosure requirements contained in sections 66265.117 through 66265.120 including maintenance and monitoring throughout the postclosure care period. The owner or operator shall:

- (1) close the facility in a manner that will minimize any chance of postclosure release of hazardous waste or discarded hazardous material; facilitate postclosure maintenance, monitoring and emergency response; and require minimum maintenance of containment structures, leachate collection systems and surface drainage collection or diversion systems;
- (2) maintain the integrity and effectiveness of the final cover, including making repairs to the cover as necessary to correct the effects of settling, subsidence, erosion or other events;
- (3) maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of article 6 of chapter 14;
- (4) prevent run-on and run-off from eroding or otherwise damaging the final cover;
- (5) protect and maintain surveyed benchmarks used in complying with section 66265.309; and
- (6) maintain and monitor the leak detection system in accordance with Sections 66264.301(c)(3)(D) and (c)(4) of this chapter and 66265.304(b), and comply with all other applicable leak detection system requirements of

this part;

(c) If liquid has been disposed of at the site in containers, in bulk or in a moist semisolid that will drain when the weight of overburden is applied, the owner or operator shall do one of the following before closing the facility:

(1) demonstrate to the satisfaction of the department that incompatible wastes do not commingle and that nongaseous constituents of waste cannot migrate from the site; or

(2) provide measures to prevent incompatible waste from mixing after closure and to prevent migration of nongaseous waste constituents from the site after closure.

(d) The owner or operator shall consider at least the following factors in addressing the closure and postclosure care objectives of subsection (a) of this section:

(1) type and amount of hazardous waste and hazardous waste constituents in the landfill;

(2) the mobility and the expected rate of migration of the hazardous waste and hazardous waste constituents;

(3) site location, topography and surrounding land use, with respect to the potential effects of pollutant migration (e.g., proximity to groundwater, surface water and drinking water sources);

(4) climate, including amount, frequency and pH of precipitation;

(5) characteristics of the cover, including material, final surface contours, thickness, porosity and permeability, slope, length of run of slope and type of vegetation on the cover; and

(6) geological and soil profiles and surface and subsurface hydrology of the site.

(e) In addition to the requirements of section 66265.117, during the postclosure care period, the owner or operator of a hazardous waste landfill shall:

(1) maintain the function and integrity of the final cover as specified in the approved closure plan;

(2) maintain and monitor the leachate collection, removal and treatment system (if there is one present in the landfill) to prevent excess accumulation of leachate in the system;

(3) maintain and monitor the gas collection and control system (if there is one present in the landfill) to control the vertical and horizontal escape of gases;

(4) protect and maintain surveyed benchmarks; and

(5) restrict access to the landfill as appropriate for its postclosure use.

NOTE: Authority cited: Sections 25150 and 25159, Health and Safety Code; and Governor's Reorganization Plan Number 1 of 1991. Reference: Sections 25159 and 25159.5, Health and Safety Code; and 40 CFR Section 265.310.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

2. Amendment of subsections (b)(4)-(5), new subsection (b)(6) and amendment of Note filed 7-19-95; operative 8-18-95 (Register 95, No. 29).

§66265.312. Special Requirements for Ignitable or Reactive Waste.

(a) Except as provided in subsection (b) of this section, and in section 66265.316, ignitable or reactive waste shall not be placed in a landfill, unless the waste and landfill meets all applicable requirements of chapter 18 of this division, and the waste is treated, rendered, or mixed before or immediately after placement in a landfill so that:

(1) the resulting waste, mixture, or dissolution or material no longer meets the definition of ignitable or reactive waste under sections 66261.21 or 66261.23; and

(2) section 66265.17(b) is complied with.

(b) Except for prohibited wastes which remain subject to treatment standards in article 4 of chapter 18 of this division, ignitable wastes in containers may be landfilled without meeting the requirements of subsection (a) of this section provided that the wastes are disposed in such a way that they are protected from any material or conditions which may cause them to ignite. At a minimum, ignitable wastes shall be disposed in non-leaking containers which are carefully handled and placed so as to avoid heat, sparks, rupture, or any other condition that might cause ignition of the wastes; shall be covered daily with soil or other non-combustible material to minimize the potential for ignition of the wastes; and shall not be disposed in cells that contain or will contain other wastes which may generate heat sufficient to cause ignition of the waste.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; 40 CFR Section 265.312.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

2. Change without regulatory effect amending subsection (b) filed 8-15-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 33).

§66265.313. Special Requirements for Incompatible Wastes.

Incompatible wastes, or incompatible wastes and materials, (see Appendix V for examples) shall not be placed in the same landfill cell, unless section 66265.17(b) is complied with.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; 40 CFR Section 265.313.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.314. Special Requirements for Bulk and Containerized Liquids.

(a) Effective February 2, 1985, the placement of bulk or noncontainerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited.

(b) Containers holding free liquids shall not be placed in a landfill unless:

(1) all freestanding liquid:

(A) has been removed by decanting, or other methods;

(B) has been mixed with sorbent or solidified so that freestanding liquid is no longer observed; or

(C) has been otherwise eliminated; or

(2) the container is very small, such as an ampule; or

(3) the container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or

(4) the container is a lab pack as defined in section 66265.316 and is disposed of in accordance with section 66265.316.

(c) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the facility shall use Method 9095 (as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" - EPA Publication SW-846 Third Edition and updates, as incorporated by reference in section 66260.11).

(d) Sorbents used to treat free liquids to be disposed of in landfills shall be nonbiodegradable.

Nonbiodegradable sorbents are: materials listed or described in subsection (d)(1) of this section; materials that pass one of the tests in subsection (d)(2) of this section; or materials that are determined by USEPA to be nonbiodegradable through the 40 CFR Part 260 petition process.

(1) Nonbiodegradable sorbents.

(A) Inorganic minerals, other inorganic materials, and elemental carbon (e.g., aluminosilicates, clays, smectites, Fuller's earth, bentonite, calcium bentonite, montmorillonite, calcined montmorillonite, kaolinite, micas (illite), vermiculites, zeolites; calcium carbonate (organic free limestone); oxides/hydroxides, alumina, lime, silica (sand), diatomaceous earth; perlite (volcanic glass); expanded volcanic rock; volcanic ash; cement kiln dust; fly ash; rice hull ash; activated charcoal/activated carbon); or

(B) High molecular weight synthetic polymers (e.g., polyethylene, high density polyethylene (HDPE), polypropylene, polystyrene, polyurethane, polyacrylate, polynorborene, polyisobutylene, ground synthetic rubber, cross-linked allylstylene and tertiary butyl copolymers). This does not include polymers derived from biological material or polymers specifically designed to be degradable; or

(C) Mixtures of these nonbiodegradable materials.

(2) Tests for nonbiodegradable sorbents.

(A) The sorbent material is determined to be nonbiodegradable under ASTM Method G21-90-Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi; or

(B) The sorbent material is determined to be nonbiodegradable under ASTM Method G22-76 (1984b)-Standard Practice for Determining Resistance of Plastics to Bacteria; or

(C) The sorbent material is determined to be non-biodegradable under OECD test 301B: (CO₂ Evolution (Modified Strum Test)).

(e) Effective November 8, 1985, the placement of any liquid which is not a hazardous waste in a landfill is prohibited unless the owner or operator of such landfill demonstrates to the Department, or the Department determines, that:

(1) the only reasonably available alternative to the placement in such landfill is placement in a landfill or unlined surface impoundment, whether or not permitted or operating under interim status, which contains, or may reasonably be anticipated to contain, hazardous waste; and

(2) placement in such owner or operator's landfill will not present a risk of contamination of any underground source of drinking water (as that term is defined in section 66260.10).

NOTE: Authority cited: Sections 25150, 25159 and 58012, Health and Safety Code. Reference: Sections 25150, 25159, 25159.5 and 25179.5, Health and Safety Code; 40 CFR Section 265.314.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

2. Amendment of subsections (a) and (b)(1), repealer of subsection (b)(2), subsection renumbering, new subsections (d)-(d)(2)(B), subsection relettering and amendment of Note filed 8-8-95 as an emergency; operative 8-8-95 (Register 95, No. 32). A Certificate of Compliance must be transmitted to OAL by 12-6-95 or emergency language will be repealed by operation of law on the following day.

3. Reinstatement of section as it existed prior to emergency amendment filed 9-15-95 by operation of Government Code section 11346.1(f) (Register 95, No. 37).

4. Amendment of subsections (a) and (b)(1)(B), repealer of subsections (b)(2)-(b)(2)(C), subsection renumbering, amendment of subsection (c), new subsections (d)-(d)(2)(C), subsection relettering, and amendment of NOTE filed 10-13-98, operative 11-12-98 (Register 98, No. 42).

5. New subsection (d)(2)(A) and amendment of NOTE filed 3-17-99; operative 4-16-99 (Register 99, No. 12).

§66265.315. Special Requirements for Containers.

Unless they are very small, such as an ampule, containers shall be either:

(a) at least 90 percent full when placed in the landfill; or

(b) crushed, shredded, or similarly reduced in volume to the maximum practical extent before burial in the

landfill.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; 40 CFR Section 265.315.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.316. Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs).

Small containers of hazardous waste in overpacked drums (lab packs) may be placed in a landfill if the following requirements are met.

(a) Hazardous waste shall be packaged in non-leaking inside containers. The inside containers shall be of a design and constructed of a material that will not react dangerously with, be decomposed by, or be ignited by the waste held therein. Inside containers shall be tightly and securely sealed. The inside containers shall be of the size and type specified in the Department of Transportation (DOT) hazardous materials regulations (49 CFR Parts 173, 178 and 179), if those regulations specify a particular inside container for the waste.

(b) The inside containers shall be overpacked in an open head DOT-specification metal shipping container (49 CFR Parts 178 and 179) of no more than 416-liter (110 gallon) capacity and surrounded by, at a minimum, a sufficient quantity of sorbent material, determined to be nonbiodegradable in accordance with 66265.314(d), to completely sorb all of the liquid contents of the inside containers. The metal outer container shall be full after it has been packed with inside containers and sorbent material.

(c) The sorbent material used shall not be capable of reacting dangerously with, being decomposed by, or being ignited by the contents of the inside containers, in accordance with section 66265.17(b).

(d) Incompatible wastes, as defined in section 66260.10, shall not be placed in the same outside container.

(e) Reactive waste, other than cyanide- or sulfide-bearing waste as defined in section 66261.23 (a)(5), shall be treated or rendered non-reactive prior to packaging in accordance with subsections (a) through (d) of this section. Cyanide- and sulfide-bearing reactive waste may be packaged in accordance with subsections (a) through (d) of this section without first being treated or rendered non-reactive provided that the cyanide concentration is less than 1000 mg/l.

(f) Such disposal is in compliance with the requirements of chapter 18 of this division. Persons who incinerate lab packs according to the requirements of section 66268.42(c)(1) may use fiber drums in place of metal outer containers. Such fiber drums shall meet the DOT specifications in 49 CFR 173.12 and be overpacked according to the requirements in Subsection (b) of this section.

NOTE: Authority cited: Sections 25150, 25159 and 58012, Health and Safety Code. Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; 40 CFR Section 265.316.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).
2. Reinstatement of section as it existed prior to emergency amendment filed 9-15-95 by operation of Government Code section 11346.1(f) (Register 95, No. 37).
3. Amendment of section heading and subsection (f) filed 1-31-96; operative 1-31-96 (Register 96, No. 5).
4. Amendment of subsections (b) and (c) and amendment of NOTE filed 10-13-98; operative 11-12-98 (Register 98, No. 42).

§66265.317. Special Requirements for Nonliquid Waste.

(a)(1) Effective January 1, 1995 or the effective date of the applicable treatment standard found in chapter 18 of division 4.5 of Titles 22 and 26 of California Code of Regulations, whichever is later, all nonliquid hazardous waste, bulk or containerized, shall contain less than 50 percent moisture by weight prior to disposal in a hazardous waste landfill.

(2) The requirements in (a)(1) cannot be met by adding material that acts solely as a sorbent, unless determined to be nonbiodegradable in accordance with section 66265.314(d) and waste is disposed in a container, or diluting agent. The moisture content shall be determined by pulverizing the entire sample coarsely on a clean surface by hand, using rubber gloves. Twenty-five to 50 grams shall be placed in a prepared evaporating dish and weighed. The sample shall then be placed in an oven at 103 to 105 degrees centigrade for 1 hour. The dish shall be cooled in a desiccator to 20 degrees centigrade for 1 hour and then reweighed. The cycle of drying, cooling, and weighing shall be repeated until a constant weight is obtained or until the weight loss is less than 4 percent of the previous weight.

(b) The calculation in subsection (a) shall be in accordance with the following formula:

$$\text{Percent Moisture} = [(A-B)/(A-C)] \times 100$$

Where:

A = Weight of evaporating dish and original sample, grams

B = Weight of evaporating dish and oven dried sample, grams

C = Weight of evaporating dish, grams.

(c)(1) Lab Packs as defined in section 66265.316 are exempt from section 66265.317(a).

(2) Asbestos-containing waste is exempt from section 66265.317(a) if the waste is disposed according to the requirements of the regional water quality control board in (1) a class I landfill, or (2) segregated areas within a nonclass I landfill.

NOTE: Authority cited: Sections 25150, 25179.5 and 58012, Health and Safety Code. Reference: Sections 25143.7, 25159, 25159.5, 25179.5(b) and 25179.9, Health and Safety Code.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).
2. Amendment of subsections (a) and (c) filed 10-10-91 as an emergency; operative 10-10-91 (Register 91, No. 52). A Certificate of Compliance must be transmitted to OAL 2-7-92 or emergency language will be repealed by operation of law on the following day.
3. Amendment of subsections (a) and (c) refiled 2-7-92 as an emergency; operative 2-7-92 (Register 92, No. 12). A Certificate of Compliance must be transmitted to OAL 6-8-92 or emergency language will be repealed by operation of law on the following day.
4. Amendment of subsections (a) and (c) refiled 5-12-92 as an emergency; operative 6-5-92 (Register 92, No. 20). A Certificate of Compliance must be transmitted to OAL 9-9-92 or emergency language will be repealed by operation of law on the following day.
5. Amendment of subsections (a) and (c) refiled 9-14-92 as an emergency; operative 10-2-92 (Register 92, No. 38). A Certificate of Compliance must be transmitted to OAL 2-1-92 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 9-14-92 order including amendment of subsection (c)(2) and Note transmitted to OAL 12-23-92 and filed 2-8-93; (Register 93, No. 7).
7. Amendment of subsection (a)(1) filed 5-5-94 as an emergency; operative 5-5-94 (Register 94, No. 18). A Certificate of Compliance must be transmitted to OAL by 9-2-94 or emergency language will be repealed by operation of law on the following day.
8. Amendment of subsection (a)(1) refiled 8-22-94 as an emergency; operative 8-22-94 (Register 94, No. 34). A Certificate of Compliance must be transmitted to OAL by 12-20-94 or emergency language will be repealed by operation of law on the following day.
9. Amendment of subsection (a)(1) refiled 12-22-94 as an emergency, including amendment of subsection (c)(1); operative 12-20-94 (Register 94, No. 51). A Certificate of Compliance must be transmitted to OAL 4-19-95 or emergency language will be repealed by operation of law on the following day.
10. Amendment of subsections (a)(1) and (c)(1) refiled 4-17-95 as an emergency; operative 4-17-95 (Register 95, No. 16). A Certificate of Compliance must be transmitted to OAL 8-15-95 or emergency language will be repealed by operation of law on the following day.
11. Amendment of subsections (a)(1)-(2), (c)(1) and Note refiled 8-8-95 as an emergency; operative 8-8-95 (Register 95, No. 32). A Certificate of Compliance must be transmitted to OAL by 12-6-95 or emergency language will be repealed by operation of law on the following day.
12. Certificate of Compliance as to 8-8-95 order transmitted to OAL 8-3-95 and filed 9-15-95 (Register 95, No. 37).
13. Reinstatement of subsection (a)(2) as it existed prior to emergency amendment filed 9-15-95 by operation of Government Code section 11346.1(f) (Register 95, No. 37).
14. Amendment of subsection (a)(2) and NOTE filed 10-13-98; operative 11-12-98 (Register 98, No. 42).